



# Team Schierl Companies

• 2201 Madison Street • Stevens Point, WI 54481 • (715)-345-5060 • FAX (715)-345-6999 •

[www.teamschierl.com](http://www.teamschierl.com)

[www.schierltire.com](http://www.schierltire.com)

[www.impactrewards.com](http://www.impactrewards.com)

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★ JUL 25 2019 ★

BROOKLYN OFFICE

United States District Court for the Eastern District of New York  
Clerk of Court  
225 Cadman Plaza  
Brooklyn, New York 11201

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NEW YORK

In re Payment Card Interchange Fee and : No. 05-MD-01720 (MKB) (JO)  
Merchant Discount Antitrust Litigation :

## **STATEMENT OF OBJECTIONS OF CLASS BY SCHIERL INC AND TEAM SCHIERL COMPANIES CHARITABLE GIVING FUND**

Schierl Inc. & Team Schierl Companies Charitable Giving Fund (hereinafter "Companies") accepted Visa and Mastercard transaction cards between 2004 and the present date. Companies is a member of the Rule 23(b)(3) settlement class in this case, and it has not engaged in any other settlement of its claims against Visa and/or Mastercard. Companies hereby submits its objections to the proposed settlement preliminarily approved by the Court in January of this year.

Companies are located at 2201 Madison Street, Stevens Point, WI, 54481. Companies are a petroleum marketer engaged in the wholesale and retail sale of branded and unbranded motor fuels and charitable giving. Since 1977, it has accepted Visa and Mastercard transaction cards at retail service station and convenience store locations. Motor fuels at these locations have been sold under the Citgo and Mobil brands from 2004 to 2009 and unbranded since 2009, and the credit card transactions at each location from 2004 to 2009 were processed by the applicable branded supplier.

Companies are concerned that the Court will concur in the arguments of Defendants that certain major oil companies branded suppliers are entitled to file claims against the settlement





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fund for transactions at retail locations and events where Companies accepted the applicable Visa or Mastercard transaction cards and paid the interchange fees. Companies understands that the Court has indicated that class counsel cannot represent both the branded suppliers and branded marketers, like Companies, because only one of the two groups is entitled to settlement funds attributable to Companies' retail locations. None of the class representatives were branded or unbranded marketers and branded and unbranded marketer interests were not represented when the settlement was negotiated. Nor are they adequately represented now by a conflicted class counsel who are incapable of asserting branded marketer interests when they conflict with the interests of major oil companies.

As of now, Companies is totally in the dark as to whether, having accepted the cards and paid the interchange fees, it is part of the settlement class, whether it is entitled to a full or partial recovery, or whether any mechanism is in place to sort all of this out. Nothing in the Class Notice states whether Companies or its branded supplier (whose fuel Companies sells) have a right to recover for transactions at these locations. In short, Companies is concerned that it is being deprived of its legal right to fully participate in the settlement.

In addition to not knowing what recovery Companies may be entitled to as part of the class settlement, we do not believe that proper efforts are being made to notify branded and unbranded marketers, like Companies, so that they can object to the settlement. Although Companies was sent a Class Notice from the Claims Administrator, other branded and unbranded petroleum marketers have received no notice even though they accepted the cards, and paid the fees, during the relevant period. The names and addresses of branded and unbranded petroleum marketers, like Companies, can be obtained by the Claims Administrator from the branded suppliers.

Branded marketers should be informed *now* whether a procedural mechanism will be put in place to determine whether, and to what extent, branded marketers will participate in the settlement, what evidence they need to present, and whether there will be procedural hurdles they need to overcome to claim their rights as class members. Unless and until these issues are addressed and properly resolved by the Court, Companies respectfully objects to the class settlement.





Building Tomorrow Together

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Respectfully submitted,

Schierl Inc. & Team Schierl Companies Charitable  
Giving Fund

William G. Schierl

Co-CEO

2201 Madison St., Stevens Point WI 54481

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Gas, Food & More!

